

AMENDMENTS TO THE DRAWINGS

Please find attached a replacement sheet for Fig. 4.

REMARKS

Claims 34-40, 42-57 are pending. Claims 34-40, 42, and 53-54 are withdrawn from consideration.

Claim 43 is amended to remove the language of the polymeric compound containing an oxygen bond. Claim 43 is also amended to clarify that the cis-polybutadiene rubber is the matrix and that the 1,2-polybutadiene and the polymeric substance are in an adsorbed state in the matrix. The specification as filed discloses at page 29, first full paragraph, that the 1,2-polybutadiene and the unsaturated polymer substance are dispersed in the matrix of cis-polybutadiene rubber. Claims 44, 47, 48, 51, 52, and 55, have been amended to be consistent with claim 43 and claim 50 has been amended to be in better form. Also, Fig. 4 has been amended to correspond to the disclosure of the paragraph bridging pages 29-30 of the specification as filed, which discloses that the crystal fiber may be dispersed in the microparticle 3. No new matter has been added, and entry of the amendments is respectfully requested.

Applicants thank the Examiner for the courtesy of speaking on several occasions with Applicants' undersigned representative, regarding the above-identified patent application, as discussed below.

Claims 43-52 and 55-57 are rejected under 35 U.S.C. § 112, first paragraph, as not enabled. The Examiner concludes that while the specification is enabling for a "vinyl cis polybutadiene rubber (blend) composition," it does not reasonably provide enablement for any type of "polymer compound containing an oxygen bond." The Examiner's position seems to be that claim 43 reads on any type of polymer containing an oxygen bond, such as polyepoxides, polyethers, etc. and any other polymer or derivative of a polymer containing an oxygen bond. Applicants respectfully but strenuously traverse the enablement rejection for the reasons set forth below.

Claim 43, before its amendment herein, was not directed to any polymer containing an oxygen bond since claim 43 specifically recited that the polymeric compound containing an oxygen bond comprises an ether group, an epoxy group, a carboxyl group, an ester group, a

hydroxyl group, or a carbonyl group. However, without prejudice, claim 43 has been clarified and no longer recites the language of the polymeric compound containing an oxygen bond. The version of claim 43, as amended, is substantially the same as the proposed claim 43 that was faxed to the Examiner on June 12, 2009. The Examiner agreed that the proposed claim 43 would overcome the outstanding enablement rejection. The present claim 43 merely places the proposed claim 43 in better form.

In view of the above, Applicants respectfully request that the enablement rejection be reconsidered and withdrawn.

Claims 43-52 and 55-57 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The Examiner has concluded that the language of “wherein the 1,2-polybutadiene and the polymer substance are dispersed in the cis-polybutadiene rubber as a matrix component of the vinyl-cis-polybutadiene rubber in an adsorbed state, so as to be insoluble in boiling n-hexane” is indefinite. The Examiner contends that it is unclear whether “the 1,2-polybutadiene and the polymeric substance” are dispersed “as a matrix” or are dispersed in a matrix of vinyl-cis-polybutadiene. The Examiner also states that it is not clear whether “the 1,2-polybutadiene and the polymeric substance” are “in the adsorbed state” or the “vinyl-cis-polybutadiene rubber” is “in an adsorbed state.”

Claim 43 has been clarified to recite that the cis-polybutadiene rubber is the matrix and that the 1,2-polybutadiene and the polymeric substance are in an adsorbed state in the matrix. The specification discloses at page 29, first full paragraph, that the 1,2-polybutadiene and the unsaturated polymer substance are dispersed in the matrix of cis-polybutadiene rubber. Thus, claim 43 has been clarified to reflect the disclosure in the specification. The version of claim 43, as amended, is similar to the proposed claim 43 that was faxed to the Examiner on June 12, 2009. The Examiner agreed that the proposed claim 43 would overcome the outstanding indefiniteness rejection. The present claim 43 merely places the proposed claim 43 in better form.

In view of the above, Applicants respectfully request that the indefiniteness rejection be reconsidered and withdrawn.

Claims 43-52 and 55-57 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-14 of copending Application No. 10/596,755 ("Okamoto"). Essentially, the Examiner concludes that the present claims are obvious in view of the claims of Okamoto.

Without necessarily agreeing with the Examiner's rejection, Applicants hereby submit a Terminal Disclaimer with respect to Okamoto. Accordingly, Applicants respectfully request that the obviousness-type double patenting rejection be reconsidered and withdrawn.

Claims 53 and 54 depend from claim 43 and Applicants respectfully request that, upon allowance of claim 43, claims 53 and 54 be rejoined. The Examiner has agreed to such rejoinder during previous conversations with Applicants' undersigned representative.

CONCLUSION

In view of the above Amendments and Remarks, it is submitted that all of the claims in the application comply with 35 U.S.C. § 112. Reconsideration and an early Notice of Allowance are respectfully requested.

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Respectfully submitted,

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